

### **REMARKS**

In response to the Official Action of June 25, 2008, claims 1, 3, and 8-14 have been amended and claims 15 and 16 are newly submitted.

Support for the amendment to independent claims 1 and 8 is found in the original application as filed, including Figures 4a and 4b and the accompanying description in the specification, including page 7, line 8 through page 8, line 13. No new matter is added.

Further amendment has been made to the claims for editorial purposes, including shortening of preambles, elimination of means plus function terminology (except for newly submitted claim 16 which corresponds to amended claim 8, but written using only means plus function terminology). Newly submitted claim 15 is directed to a server comprising a database and processor as set forth in said claim with support for this claim found in the original application as filed, including Figure 4b and the accompanying description in the specification, including page 7, line 26 through page 8, line 13. No new matter is added.

### **Claim Rejections - 35 USC §102**

At section 4, claims 1-8, 10-12, and 14 are rejected under 35 USC §102(e) as being anticipated in view of US patent application publication 2003/0095032, Hoshino, et al (hereinafter Hoshino). The Office asserts that Hoshino discloses a method for generating a multimedia message, comprising a multimedia object having the actions as recited in claim 1, with specific reference to Figures 1-7 and paragraphs [0035]-[0040], [0047]-[0048], and [0064]. For the reasons set forth below, applicant respectfully disagrees in view of the amendment to said claims.

### **The Present Invention**

The present invention provides a method for generating a multimedia message such as in a portable, digital device which may be, for instance, a mobile phone. The method provides a simplified way of creating a multimedia message wherein the message comprises information associated with a multimedia object which is provided

from an external, spatially distanced source. This result is achieved by first emitting an interrogating radio signal (such as from a mobile phone) to stimulate a radio frequency identification transponder tag (hereinafter RFID-tag) located in a surrounding area so as to emit a response signal from this RFID-tag. The response signal includes information associated with a multimedia object.

The response signal, including the tag information associated with a multimedia object, is then received (such as by a mobile phone) and this information is then provided to a multimedia message that is being generated. The multimedia message may then be transmitted to another party. Thus, for example, a user who is creating a multimedia message on a mobile phone, for instance, can add from an external source, for example, an image, sound or other information associated with the external source containing the RFID-tag, simply by pointing a mobile device, for instance, toward the RFID-tag and retrieving the information. The information is integrated in the user's multimedia message and the user may then send the message to others. This thereby eliminates the otherwise tedious entering of the multimedia information into a device which then generates the message (such as a mobile phone).

### **Hoshino**

Hoshino discloses a tag management server for storing tag management information corresponding to respective ID tags. The ID tag may be arranged on an article located in a store. A portable terminal may be used to retrieve the ID tag from the article and subsequently send the ID tag information so as to retrieve information regarding the article from a management server.

The Office asserts that target 5a as discussed at paragraph [0064] of Hoshino, discloses a multimedia message, comprising a multimedia object. Paragraph [0064] of Hoshino states:

“When tag information is to be read at a certain distance from a target 5a, the video camera 18 can be used to confirm the target 5a. An image picked up by the video camera 18 is displayed in the video display screen 12a (FIG. 4A) of the display portion 12.”

Hoshino does not disclose that the video image of target 5a is comprised in a multimedia message.

Further in section 4, the Office states that Hoshino discloses:

“Receiving such a response signal, which includes tag information, associated with a multimedia object.”

It is not clear from the argument presented by the Office as to what is meant by a “multimedia object” and where such an object is retrieved. In fact, what Hoshino does disclose is that the ID information of the ID tag is sent in a message to a server so as to retrieve data associated with the tag information and provide it to a portable terminal.

In the present invention, the multimedia object is retrieved either from the ID tag or from a server. Hoshino does not disclose initiating transmission of a multimedia message, the message comprising a multimedia object, where tag information is associated with that multimedia object.

It is therefore respectfully submitted that Hoshino fails to disclose the actions recited in claim 1 as amended, including initiating transmission of a multimedia message and providing tag information into the multimedia message, this tag information being associated with a multimedia object.

In short, it is respectfully submitted that the portable terminal in Hoshino, by making an inquiry to a tag management server as discussed at paragraphs [0038]-[0040] of Hoshino is not anticipatory of initiating transmission of a multimedia message and providing tag information into the multimedia message, which tag information is associated with a multimedia object.

It is therefore respectfully submitted that independent claim 1 is not anticipated by Hoshino.

Amended independent apparatus claim 8 has been amended in a manner similar to claim 1 and, for similar reasons, it is also believed to be not anticipated by Hoshino.

Dependent claims 2-7, 10, 11, and 14 are also believed to be not anticipated by Hoshino at least in view of such dependency.

In addition, claim 2 specifies that the tag information includes the multimedia object. The Office asserts that Hoshino discloses tag information, including the multimedia object by reference to the image of target 5a as discussed at paragraphs [0038], [0064], and [0065] of Hoshino. Applicant respectfully disagrees.

The image that is recorded by camera 18 as disclosed in Hoshino is shown in Figure 3. This is for purposes of identifying the object associated with the ID tag. There is no disclosure in Hoshino of providing multimedia objects which, for instance, may contain a picture, into a multimedia message, where this information is directly associated with tag information received from a radio frequency identification tag. None of the images shown in Hoshino, such as photographic screen 28, guide screen 29, and store guidance screen 31 show a multimedia object associated with tag information. Item screen 30 in Hoshino may show multimedia objects loaded to a portable terminal from the management server, however, these objects are not included in a multimedia message which is initiated for transmission, including tag information in the multimedia message, wherein the tag information is associated with a multimedia object.

Therefore, claim 2 is believed to be further not anticipated by Hoshino.

Dependent method claim 4 recites that there is a database stored in a portable digital device, where this database stores the multimedia object which is associated with the tag information read from a radio frequency identification tag. Hoshino does not disclose a database which is stored in a portable digital device. Nowhere in Hoshino is it indicated that storage portion 17 of portable terminal 1 (see Figure 3) stores any data other than the tag information from the article (see paragraph [0049] of Hoshino).

Therefore, claim 4 is believed to be further not anticipated by Hoshino.

Dependent claim 10 recites an apparatus comprising a display configured to display the multimedia object before transmitting the message. The Office relies on the display of target 5a as shown in Figure 7 of Hoshino for rejecting claim 10. Hoshino does not disclose displaying the multimedia object before transmitting a multimedia message. In fact, the display image of target 5a is not a multimedia object

included in a multimedia message. The image has also not retrieved information from the RFID-reading action. Therefore, claim 10 is believed to be further not anticipated by Hoshino.

**Claim Rejections - 35 USC §103**

At section 6, dependent claims 9 and 13 are rejected under 35 USC §103(a) in view of Hoshino as applied to claim 8 further in view of US patent 5,864,765, Barvesten. Claim 9 recites an apparatus according to claim 8, further comprising a keyboard, including a key-lock functionality wherein the processor is configured to activate the key-lock functionality if the response signal indicates that the apparatus resides within a predetermined range from the radio frequency identification transponder.

Barvesten is cited as teaching a key-lock functionality, as well as means for activating the key-lock functionality.

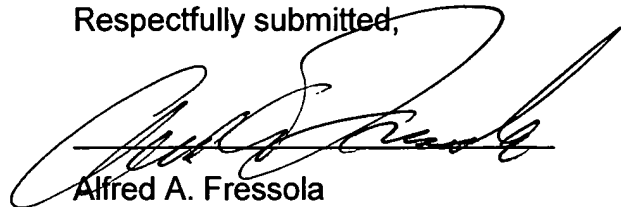
Barvesten discloses a method to automatically activate and inactivate the keys of a mobile phone keypad. A time parameter denotes the length of time that has passed since a key was last pressed, with automatic inactivation of the keys being initiated when the lapsed time exceeds the threshold value, Tlock. Thus, the functionality associated with the method disclosed in Barvesten refers to time, not distance. How the functionality provided in Barvesten is to be altered to provide an indication that the apparatus resides within a predetermined range from the radio frequency identification transponder is not set forth in the Action.

Therefore, claim 9 is believed to be not suggested by Hoshino in view of Barvesten. Furthermore, claim 9 is also believed to be allowable in view of its dependency from amended claim 8 which, as discussed above, is believed to be allowable.

Claim 13 is also believed to be distinguished over Hoshino in view of Barvesten, at least in view of its dependency from claim 9.

In view of the foregoing, it is respectfully submitted that the present application  
as amended is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alfred A. Fressola', is written over a horizontal line.

Alfred A. Fressola  
Attorney for Applicant  
Reg. No. 27,550

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WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
Bradford Green, Building Five  
755 Main Street, P.O. Box 224  
Monroe, CT 06468  
Telephone: (203) 261-1234  
Facsimile: (203) 261-5676  
USPTO Customer No. 004955